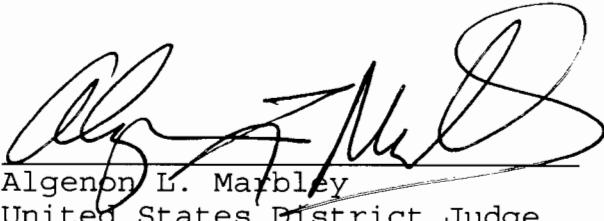


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Zenobia Skipper, :
Plaintiff, :
v. : Case No. 2:07-cv-0607
Michael J. Astrue, : JUDGE MARBLEY
Commissioner of Social Security, : MAGISTRATE JUDGE KEMP
: Defendant.

ORDER

On August 12, 2008, plaintiff moved for an award of attorneys' fees under the Equal Access to Justice Act, 28 U.S.C. §2412. Despite the passage of the time permitted under the Court's Local Civil Rules for responding to the motion, the Commissioner has not responded. It is the Commissioner's burden, once a prevailing party has moved for an award of fees, to demonstrate that the Commissioner's litigation position was substantially justified. By failing to respond, the Commissioner has not met that burden. Consequently, plaintiff's motion for fees (#20) is GRANTED. Plaintiff is awarded fees of \$1,956.25 under the Equal Access to Justice Act, to be paid within thirty days.



Algenon L. Marbley
United States District Judge